

Remarks

Claims 1-20 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the non-final Office Action dated March 11, 2008, the following rejections are present: claims 1-6 and 11-16 stand rejected under U.S.C. § 102(b) over the Boyce reference (US Patent No. 5,717,816); claims 9-10 and 19-20 are rejected as obvious over the Boyce reference; and claims 7-8 and 17-18 stand rejected under U.S.C. § 103(a) over the Boyce reference in view of the Logan reference (US Patent Pub. 2004/0255330). Applicant respectfully traverses each of these rejections.

The § 102(b) rejection of claims 1-6 and 11-16 is improper because the Boyce reference does not disclose all the features recited in the claims. In particular, the Boyce reference does not teach caching segments of acquired digital content data. The Boyce reference is directed to recording MPEG-2 encoded video onto a video tape, which includes techniques for selecting intra-coded video frames (I-frames) that can be recorded onto the “trick play” tracks of the video tape. The I-frames recorded on the video tape in accordance with Boyce cannot be considered as cached because they are permanently stored. It is well understood that caching involves storing data in temporary fashion. Applicant submits that the claims have been amended to recite the caching operation for the purposes of clearly reciting the argued features, and that the intended scope of the claims has not been altered from what would have been understood by one of skill in the art from the original claim language.

Applicant further submits that Boyce does not teach or suggest the caching of multiple segments of acquired digital content data as recited in the claims. Boyce teaches that during the process for selecting I-frames to be recorded on the tape medium, that single I-frames are buffered in such a manner that the previously stored I-frame is overwritten by the newly received I-frame (*see, e.g.*, Col. 4:30-37). Doing so helps ensure that only the most recently received I-frame is recorded onto the corresponding trick play track of the tape medium, even if multiple I-frames were received during the applicable time period.

For at least these reasons, Applicant submits that the § 102(b) rejection of claims 1-6 and 11-16 is improper because the Boyce reference does not teach all the aspects recited in Applicant's claims. Reconsideration and withdrawal of the rejection is therefore requested.

Applicant submits that claims 9-10 and 19-20 cannot be considered to be obvious in view of the Boyce reference because Boyce fails to disclose all the features of the underlying independent claims as noted above. As such, it is irrelevant whether it is taught in the Boyce reference or generally known in the art that the video content can be sourced from a storage medium or a network. For at least these reasons, Applicant requests reconsideration and withdrawal of the obviousness rejection of claims 9-10 and 19-20 in view of the Boyce reference.

Furthermore, in case the obviousness rejection in view of Boyce is maintained, and consistent with MPEP § 2144.03, Applicant respectfully requests evidence in support of the proposition that the source of the video content is well known in the prior art and that there is adequate evidence of motivation to combine this prior art with the main reference.

Applicant submits that the § 103(a) rejection of claims 7-8 and 17-18 over the Boyce reference in view of the Logan reference is improper. The deficiencies of the Boyce reference have been noted, and Applicant submits that the Logan reference appears to provide nothing to cure such deficiencies. The Logan reference is relied upon for allegedly teaching anti-shock buffering of digital content data, which the Office Action admits is not taught by Boyce. Applicant submits that the references are not combinable because there is no reason for the Boyce reference to incorporate anti-shock buffering. As discussed, Boyce is directed to selecting I-frames from MPEG-2 encoded video for recording on the track play tracks of magnetic tapes. Anti-shock buffering stores content ahead of the playback position so that errors in data retrieval (for example due to bumping or shaking a portable device) can be corrected before playback occurs. The permanent recording operations of Boyce are not related to buffering operations during playback, and thus would not make use of anti-shock buffering.

For at least these reasons, Applicant submits that the Boyce and Logan references are not properly combinable, and do not teach or suggest all the features recited in the

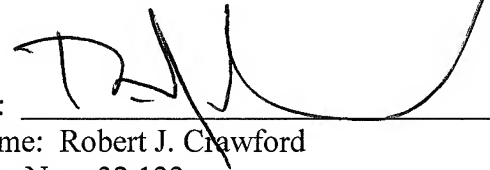
claims. Therefore, reconsideration and withdrawal of the § 103(a) rejection of claims 7-8 and 17-18 is respectfully requested.

Applicant further notes that official notice has been taken with respect to first and second memories being contained on a single memory circuit as recited in claims 8 and 18. In the case that the rejection in view of Boyce and Logan is maintained, and consistent with MPEP § 2144.03, Applicant respectfully requests evidence in support of the proposition that such teaching is well known in the prior art and that there is adequate evidence of motivation to combine this prior art with the main reference.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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